

DECLARATION AND POWER OF ATTORNEY**COPY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **USE OF (-) (3-TRIHALOMETHYLPHENOXY) (4-HALOPHENYL) ACETIC ACID DERIVATIVES FOR TREATMENT OF INSULIN RESISTANCE, TYPE 2 DIABETES AND HYPERLIPIDEMIA** the specification of which was filed on June 4, 1999 as Application No. 09/325,997.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

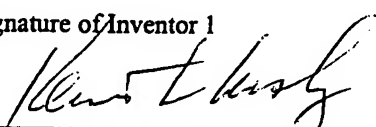
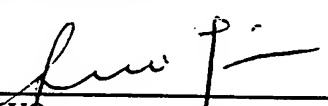
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Karen Dow, Reg. No. 29,684
Andrew T. Serafini, Reg. No. 41,303

Send Correspondence to: Karen B. Dow TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834	Direct Telephone Calls to: Name: Andrew T. Serafini, Ph.D. Reg. No.: 41,303 Telephone: 650-326-2400
--	--

Full Name of Inventor 1:	Last Name: LUSKEY	First Name: KENNETH	Middle Name or Initial: L.	
Residence & Citizenship:	City: Saratoga	State/Foreign Country: Calif rnia	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 21185 Toll Gate Road	City: Saratoga	State/Country: California	Postal Code: 95070
Full Name of Inventor 2:	Last Name: LUO	First Name: JIAN	Middle Name or Initial:	
Residence & Citizenship:	City: Brisbane	State/Foreign Country: California	Country of Citizenship: China	
Post Office Address:	Post Office Address: 240 Klamath Street	City: Brisbane	State/Country: California	Postal Code: 94005

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 
KENNETH L. LUSKEY	JIAN LUO
Date 10/1/99	Date 10/1/99

Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Applicati n Number	09/703,487
	Filing Date	October 31, 2000
	First Named Inventor	Kenneth L. Luskey
	Title	USE OF (-) (3- TRIHALOMETHYLPHENOXY) (4- DERIVATIVES....
	Group Art Unit	1614
	Examiner Name	R. Cook
	Attorney Docket Number	016325-003720US

I hereby appoint:

☒ Practitioners at Customer Number

20350

20350

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership is 50%. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	THOMAS A. GLAZE
Signature	Thomas A. Glaze
Date	May 6, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark



JANUARY 10, 2000

PTAS
TOWNSEND AND TOWNSEND AND CREW LLP
KAREN B. DOW
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834

2/10325-003 100-3
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
KB Dow/1731



101172402A

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UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/12/1999

REEL/FRAME: 010303/0283
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
LUSKEY, KENNETH L.

DOC DATE: 10/01/1999

ASSIGNOR:
LUO, JIAN

DOC DATE: 10/01/1999

ASSIGNEE:
METABOLEX, INC.
3876 BAY CENTER PLACE
HAYWARD, CALIFORNIA 94545

SERIAL NUMBER: 09325997
PATENT NUMBER:

FILING DATE: 06/04/1999
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED

14 JUN 18 AM 9:41

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1035NMA9

10-15-1999

Attorney's Case No. 016325-003700US

FORM PTO-1595
(Rev. 6-93)

10.12.99



101172402

Sheet

U.S. Department of Commerce
Patent and Trademark Office

original documents or copy thereof

To the Honorable Asst. Commissioner

1. Name of conveying party(ies):

Kenneth L. Luskey

Additional name(s) of conveying parties attached?

☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: October 1, 1999

2. Name and address of receiving party(ies)

Name: Metabolex, Inc.

Internal Address:

Street Address: 3876 Bay Center Place

City: Hayward State: CA ZIP: 94545

Additional names and addresses attached?

☐ Yes ☒ No

OCT 12 1999

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/325,997

B. Patent No(s):

Additional numbers attached? ☐ Yes☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Karen B. Dow
 TOWNSEND AND TOWNSEND AND CREW LLP
 Two Embarcadero Center, 8th Floor
 San Francisco, California 94111-3834
 (415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

- ☐ Enclosed ☒ Charge Fees to Deposit Account
☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

Andrew T. Serafini
 Name of Person Signing

Signature

Date

Atty Reg. No. 41,303

Total number of pages including cover sheet, attachments and document 5

10. Change Correspondence Address to that of Part 5? ☐ Yes ☒ No

OMB No. 0651-0011 (xp. 4/94)

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10/14/1999 MTHAI1 00000294 201430 09325997

01 FC:581 40.00 CH

Asst. Commissioner for Patents
 Box: Assignments
 Washington, D.C. 20231

1. Additional name(s) of conveying party(ies):
(Continued from Page 1)

Jian Luo

2. Additional name(s) and address(es) of receiving party(ies):
(Continued from Page 1)

3. Additional application number(s) or patent number(s):
(Continued from Page 1)

A. Patent Application No.(s)

B. Patent No.(s)

PA 154628 v1

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Kenneth L. Luskey, of 21185 Toll Gate Road, Saratoga, CA 95070, Jian Luo, of 240 Klamath Street, Brisbane, CA 94005, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: USE OF (-)(3-TRIHALOMETHYLPHENOXY) (4-HALOPHENYL) ACETIC ACID DERIVATIVES FOR TREATMENT OF INSULIN RESISTANCE, TYPE 2 DIABETES AND HYPERLIPIDEMIA

Date(s) of execution of Declaration:

Filing Date: June 4, 1999

Application No.: 09/325,997 ; and

WHEREAS, METABOLEX, INC., located at 3876 Bay Center Place, Hayward, CA, 94545, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 10/1/99


Kenneth L. Luskey

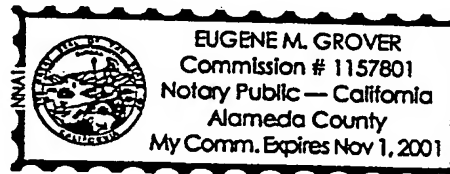
STATE OF CALIFORNIA)
)
COUNTY OF ALAMEDA) ss.

On October 1, 1999, before me, EUGENE M. GROVER, Notary, personally appeared Kenneth L. Luskey, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

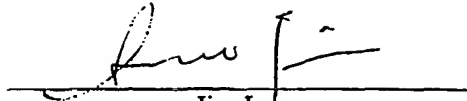
WITNESS my hand and official seal.

Eugene M. Grover
NOTARY PUBLIC

My Commission Expires: NOV. 1, 2001




Dated: 10/1/99


Jian Luo

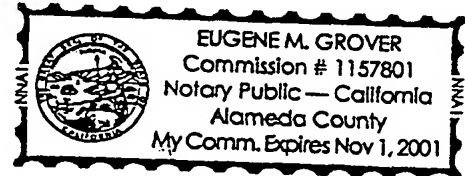
STATE OF CALIFORNIA)
)
COUNTY OF ALAMEDA) ss.

On October 1, 1999, before me, Eugene M. Grover, Notary, personally appeared Jian Luo, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


NOTARY PUBLIC

My Commission Expires: NOV. 1, 2001



Please type a plus sign (+) inside this box → +

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/703,487
	Filing Date	October 31, 2000
	First Named Inventor	Kenneth L. Luskey
	Title	USE OF (-) (3- TRIHALOMETHYLPHENOXY) (4- DERIVATIVES. . .
	Group Art Unit	1614
	Examiner Name	R. Cook
	Attorney Docket Number	016325-003720US

I hereby appoint:

☒ Practitioners at Customer Number

20350

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OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership is 50%. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	SAMUEL J. FRIENBERG
Signature	Samuel J. Friedberg
Date	5/10/2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trad

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Kenneth L. Luskey and Jian Luo

Application No./Patent No.: 09/703,487

Filed/Issue Date: October 31, 2000

Entitled: USE OF (-) (3-TRIHALOMETHYLPHENOXY) (4-HALOPHENYL) ACETIC ACID DERIVATIVES FOR TREATMENT OF INSULIN RESISTANCE, TYPE 2 DIABETES, HYPERLIPIDEMIA

DiaTex, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is 50%.

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Kenneth L. Luskey and Jian Luo To: Metabolex, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: Metabolex, Inc. To: DiaTex, Inc. (50%), Metabolex, Inc. retaining 50%
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

5/10/2002

Date

Samuel Friedberg
Signature

SAMUEL J. FRIEDBERG

Typed or printed name

PRESIDENT

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



JULY 30, 2002

TOWNSEND AND TOWNSEND AND CREW LLP
WILLIAM B. KEZER
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

AUG 13 2002
TOWNSEND AND TOWNSEND
AND CREW LLP
PTAS

016325-003720 US CUB/K

Chief Information Officer
Washington, DC 20231
www.uspto.gov



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RECORDATION DATE: 05/28/2002

REEL/FRAME: 012935/0059
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

METABOLEX, INC.

DOC DATE: 05/06/2002

ASSIGNEE:

DIATEX, INC.
105 ELM SPRING LAND
SAN ANTONIO, TEXAS 78231

SERIAL NUMBER: 09703487
PATENT NUMBER:

FILING DATE: 10/31/2000
ISSUE DATE:

THERESA FREDERICK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

06-03-2002

Attorney Docket No. 016325-003720US

Form PTO-1595

(Rev. 03-01)

OMB No. 0651-0027 (exp. 5/31/2002)



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Sheet

U.S. Department of Commerce
U.S. Patent and Trademark Office

Tab s ttings ⇐ ⇐ ⇐ ▼

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Metabolex, Inc.

5-28-02

Additional name(s) of conveying parties attached? ☐ Yes ☒ No.

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other: _____

Execution Date: May 6, 2002

2. Name and address of receiving party(ies)

Name: DiaTex, Inc.

Internal Address: _____

Street Address: 105 Elm Spring Land

City: San Antonio State: Texas ZIP: 78231

Additional names and addresses attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s): 09/703,487

B. Patent No(s): _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: William B. Kezer
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

William B. Kezer

Name of Person Signing
Atty. Reg. No. 37,369

Signature

Date

05/31/2002 DBYRHE 00000021 201430 09703487

Number of pages including cover sheet, attachments and document 3

01 FC:581

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Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

WC9041334

OFFICE OF PUBLIC RECORDS
2002 MAY 28 AM 8:38
FINANCE SECTION

ASSIGNMENT OF 50% UNDIVIDED RIGHT, TITLE AND INTEREST

WHEREAS, Metabolex, Inc. a Delaware Corporation, located at 3876 Bay Center Place, Hayward, California 94545, hereinafter referred to as "ASSIGNOR, " is the legal owner and constructive trustee of all rights in certain new and useful improvements ("the Inventions") as described and set forth in the below-identified applications for United States Letters Patents:

Title of Invention:	USE OF (-)(3-TRIHALOMETHYLPHENOXY) (4-HALOPHENYL) ACETIC ACID DERIVATIVES FOR TREATMENT OF INSULIN RESISTANCE, TYPE 2 DIABETES AND HYPERLIPIDEMIA
Filing Date:	October 31, 2000
Serial No.:	09/703,487

WHEREAS, DiaTex, Inc, a Texas corporation having its statewide administrative offices located at 105 Elm Spring Land, San Antonio, Texas 78231, hereinafter referred to as "JOINT ASSIGNEE," is the equitable, but unrecorded, joint owner of all rights in the Invention as described and set forth in the above-identified applications for United States Letters patents and wants to acquire a legal interest in the Inventions and applications and in any Letters Patents and Registrations that may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor, has assigned, and by these presents does assign to Joint Assignee a 50% undivided right, title and interest in and to the Invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patents and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The 50% undivided right, title and interest is to be jointly held and enjoyed by Assignor and Joint Assignee and Assignor's and Joint Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by the named inventors, for the full term of any Letters Patents and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor and Joint Assignee further agree that Assignor and Joint Assignee will both (a) cooperate in the prosecution of U.S. Patent applications and foreign counterparts of the Inventions and (b) perform such other acts as either Assignor or Joint Assignee lawfully may request to obtain or maintain Letters patents and Registrations for the Inventions in any and all countries, and to vest joint title thereto in Assignor and Joint Assignee, or Assignor's Joint Assignee's successors and assigns.

Assignor further agrees that Assignor will, without charge to joint Assignee execute, verify, acknowledge and deliver all such further papers, including instruments of legal ownership to reflect the joint ownership by Assignor and Joint Assignee or Assignor's and Joint Assignee's successors and assigns.

IN TESTIMONY WHEREOF, the Assignment is executed this 6 day of May, 2002.

METABOLEX, INC.

By: Thomas Q. Glegg

Title: CHIEF EXECUTIVE OFFICER